

Efw



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313 on July 13, 2006

THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT
Examining Group 2684
Patent Application
Docket No. UF-246XCD1
Serial No. 10/722,620


Margaret Efron, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Richard J. Melker *et al.*
Serial No. : 10/722,620
Filed : November 26, 2003
Examiner : *Not yet assigned*
Art Unit : 2684
Conf. No. : 7104
For : Marker Detection Method and Apparatus to Monitor Drug Compliance

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§1.97 AND 1.98

Sir:

In accordance with 37 CFR §1.56, the references listed on the attached form PTO/SB/08 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. A copy of each cited reference is enclosed. However, applicants have not submitted copies of the published U.S. Patent Applications cited on attached Form PTO/SB/08 pursuant to 37 CFR 1.98(a)(2)(ii).

It is respectfully requested that the references cited on the attached form PTO/SB/08 be considered in the examination of the subject application and that their consideration be made of record.

Docket No. UF-246XCD1
Serial No. 10/722,620

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statement.

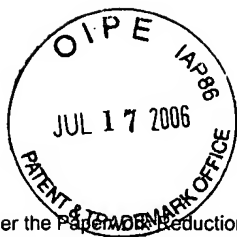
Respectfully submitted,



Margaret Efron
Patent Attorney
Registration No. 47,545
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: P.O. Box 142950
Gainesville, FL 32614-2950

MHE/esc

Attachments: Forms PTO/SB/08
Copies of references cited therein



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/722,620
				Filing Date	November 26, 2003
				First Named Inventor	Richard J. Melker
				Art Unit	2684
				Examiner Name	Not yet assigned
Sheet	1	of	2	Attorney Docket Number	UF-246XCD1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	U1	US-2005/0037374 A1	02-17-2005	Melker <i>et al.</i>	All
	U2	US-2003/0185760 A1	10-02-2003	Lanza <i>et al.</i>	All
	U3	US-			
	U4	US-			
	U5	US-			
	U6	US-			
	U7	US-			
	U8	US-			
	U9	US-			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	- Number ⁴	- Kind Code ⁵ (if known)				
	F1	WO	2005/033707	A1	04-14-2005	Melker <i>et al.</i>	All	
	F2	WO	2004/037316	A2	05-06-2004	Dennis <i>et al.</i>	All	
	F3							
	F4							
	F5							
	F6							
	F7							

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard T.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known			
		Application Number	10/722,620		
		Filing Date	November 26, 2003		
		First Named Inventor	Richard J. Melker		
		Group Art Unit	2684		
		Examiner Name	Not yet assigned		
Sheet	2	of	2	Attorney Docket Number	UF-246XCD1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article, (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	R1	ARVANITAKIS, C. <i>et al.</i> , "Lactase Deficiency- a Comparative Study of Diagnostic Methods", <i>The American Journal of Clinical Nutrition</i> , October 30, 1977, pp. 1597-1602, Vol. 10.	
	R2	BARKLEY, J. <i>et al.</i> , "Gas Chromatography Mass Spectrometry Computer Analysis of Volatile Halogenated Hydrocarbons in Man and His Environment- A Multimedia Environmental Study", <i>Biomedical Mass Spectrometry</i> , 1980, pp. 139-147, Vol. 7, No.4, Heyden & Son Ltd.	
	R3	CASPARY, W. F., "Breath Tests", <i>Clinics in Gastroenterology</i> , May 1978, pp. 351-374, Vol. 7, No. 2.	
	R4	CONKLE, J. P. <i>et al.</i> , "Trace Composition of Human Respiratory Gas", <i>Arch Environ Health</i> , June 1975, pp.290-295, Vol. 30	
	R5	GAGE, J.C. <i>et al.</i> , "A Method for the Determination of Low Concentrations of Organic Vapours in Air and Exhaled Breath", <i>Ann. occup. Hyg.</i> , 1977, pp. 127-134, Vol. 20, Pergamon Press, Great Britain.	
	R6	KROTOSZYNSKI, B. <i>et al.</i> , "Characterization of Human Expired Air: A Promising Investigative and Diagnostic Technique", <i>J. Chromatogr. Sci.</i> , July 1977, pp. 239-244, Vol. 15.	
	R7	MAUGH, T.H., "Separations by MS Speed Up, Simplify Analysis", <i>Science, New Series</i> , August 8, 1980, pp. 675-677, Vol. 209, No. 4457, American Association for the Advancement of Science.	
	R8	MCLAFFERTY, F., "Tandem Mass Spectrometry", <i>Science, New Series</i> , October 16, 1981, pp. 280-287, Vol. 214, No. 4518, American Association for the Advancement of Science.	
	R9	O'NEILL <i>et al.</i> , "A Computerized Classification Technique for Screening for the Presence of Breath Biomarkers on Lung Cancer", <i>Clinical Chemistry</i> , 1988, pp.1613-1618, Vol. 34, No. 8.	
	R10	PHILLIPS, M., "Breath Tests in Medicine", <i>Scientific American</i> , July 1992, pp.74-79.	
	R11	SCHWABE, A.D. <i>et al.</i> , "Breath Tests for the Detection of Fat Malabsorption", <i>Gastroenterology</i> , January 1979, pp. 216-218, Vol. 76, No. 1	
	R12	YOST, R.A. <i>et al.</i> , "Triple Quadruple Mass Spectrometry for Direct Mixture and Analysis and Structure Elucidation", <i>Analytical Chemistry</i> , October 1979, pp. 1251-1264, Vol. 51, No. 12.	
	R13		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.